

# EXHIBIT 1

**SUMMONS**

Attorney(s) Jordan B. Dascal, Esq. / Schiller McMahon LLC  
Office Address 123 South Avenue East  
Town, State, Zip Code Westfield, NJ 07090  
  
Telephone Number 732-283-1955  
Attorney(s) for Plaintiff Progressive Spine & Orthopaedics, LL  
Progressive Spine & Orthopaedics, LLC

**Superior Court of  
New Jersey**

Bergen ☒ County  
Law Division

Docket No: BER-L-6593-17

Plaintiff(s)

vs.

AMF Bowling Centers, Inc. d/b/a AMF

Bowling Centers, et al.

Defendant(s)

**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

*/s/ Michelle Smith*  
Clerk of the Superior Court

DATED: 09/28/2017

Name of Defendant to Be Served: AMF Bowling Centers, Inc. d/b/a AMF Bowling Centers

Address of Defendant to Be Served: 380 U.S. Highway 22, Green Brook, NJ 08812

BER-L-006593-17 09/28/2017 7:34:30 PM Pg 1 of 4 Trans ID: LCV2017263653

Jordan B. Dascal -- NJAID #903842012  
Schiller McMahon LLC  
123 South Avenue East, 2<sup>nd</sup> Floor  
Westfield, NJ 07090  
P: (908) 233-4840  
F: (908) 935-0822  
Attorney for Plaintiff,  
Progressive Spine & Orthopaedics, LLC.

PROGRESSIVE SPINE & ORTHOPAEDICS,  
LLC,

Plaintiff,

vs.

AMF BOWLING CENTERS, INC. D/B/A  
AMF BOWLING CENTERS AND AMF  
BOWLING WORLDWIDE, INC. D/B/A  
AMF BOWLING CENTERS

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Progressive Spine & Orthopaedics, LLC ("Plaintiff") says by way of Complaint against AMF Bowling Centers, Inc. d/b/a AMF Bowling Centers and AMF Bowling Worldwide, Inc. d/b/a AMF Bowling Centers ("Defendant"), upon information and belief:

**PARTIES, VENUE, JURISDICTION**

1. At all relevant times, Plaintiff was a healthcare provider in Bergen County, New Jersey.
2. Plaintiff, through its employees Dr. Joshua Rovner and Meg Bonner PA-C, provided emergency medical care to Patient M.F. in Englewood, New Jersey on April 6, 2016.<sup>1</sup>
3. The County of Bergen is the proper venue for this matter with the requisite subject

<sup>1</sup> For the privacy of the patient, his name has been redacted. However, Plaintiff has provided Defendant the identity of the patient in a separate letter with service of the complaint.

matter jurisdiction pursuant to R. 4:3-2.

4. Plaintiff is proceeding on its own individual claims only, and not suing on claims which may have been assigned from Patient M.F.

5. At all relevant times, one or both of Defendants was the plan administrator for a self-funded health benefits plan, which provided health benefits to Patient M.F.

6. Defendants were responsible to make payments towards Patient M.F.'s medical care.

7. At all relevant times Defendants were engaged in significant business in the State of New Jersey, sufficient for this court to have personal jurisdiction over it.

8. For example, Defendants maintain a business location in this state, at 380 U.S. Highway 22, Green Brook, New Jersey 08812.

9. This matter is properly in state court. The Employee Retirement Income Security Act ("ERISA") does not apply, because Plaintiff has no standing to raise an ERISA claim due to the anti-assignment clause in Defendant's ERISA plan.

#### BACKGROUND

10. This dispute arises out of the Defendants' refusal to pay Plaintiff the money that it is entitled to for necessary emergency medical services Plaintiff provided to Patient M.F.

11. On or about April 6, 2016, Patient M.F. was an emergency admission to the Englewood Hospital and Medical Center, in Englewood, New Jersey.

12. Patient M.F. had severe intractable pain, and difficulty moving.

13. Plaintiff, through its orthopedic spine surgeon Dr. Rovner, assessed Patient M.F. and determined that he required an emergency surgical spinal decompression.

14. Plaintiff was required by law, policy, and medical ethics to provide Patient M.F.

with such medical care.

15. On April 6, 2016, Plaintiff, through Dr. Rovner as a surgeon and Ms. Bonner as his surgical assistant, performed the necessary emergency surgery.

16. Subsequently, Plaintiff submitted bills for its physician's and assistant's services to Defendants, through their claims administrator.

17. Plaintiff does not have a contract with Defendants or their claims administrator setting payment rates for medical services.

18. Initially, Defendants' claims administrator refused to pay for the surgery at all.

19. Eventually, the claims administrator paid only a small fraction Plaintiff's bills.

20. Inexplicably, the claims administrator paid almost double the amount for the assistant's bill, compared to what it paid for the surgeon's bill.

**Count One**  
**(Unjust Enrichment)**

21. Plaintiff restates and reincorporates its allegations set forth above.

22. Plaintiff provided a benefit to Defendants.

23. Specifically, Plaintiff provided emergency medical services to Patient M.F., for whom Defendants were obligated to provide and/or make payments towards Patient M.F.'s medical care.

24. By providing those services, Plaintiff relieved Defendants of their obligations to Patient M.F. See e.g., New York City Health and Hosp. Corp. v. Wellcare of New York, Inc. 937 N.Y.S.2d 540 (Sup. Ct. N.Y. 2011).

25. It would be unfair to allow Defendant to retain the benefit of being discharged of their obligation to pay for the Patient M.F. and/or provide Patient M.F. with medical services, while it has grossly underpaid Plaintiff.

26. Plaintiff was obligated to provide this care, and deserves to be properly remunerated for its efforts.

**WHEREFORE**, Plaintiff demands judgment against Defendants for compensatory damages, consequential damages, interest, attorneys' fees, costs of suit and other relief as the Court may deem just and proper.

**JURY DEMAND**

Pursuant to R. 4:35-1, Plaintiff hereby demands a trial by jury on all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Jordan B. Dascal, Esq. is hereby designated as trial counsel.

**CERTIFICATION**

I hereby certify pursuant to R. 4:5-1 that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding related to claims arising from medical services provided from Plaintiff to the Patient M.F. No such action or arbitration proceeding is contemplated by Plaintiff at this time.

**SCHILLER MCMAHON LLC**

Dated: 9/28/17

/s/ Jordan B. Dascal  
Jordan B. Dascal, Esq.  
Attorney for Plaintiff,  
Progressive Spine & Orthopaedics, LLC.

# EXHIBIT 2

[Menu](#)

## Business Name Search

Required Fields [ \* ]

### Search Criteria

**Business Name \***

Use "%" as a wildcard

**Search →****x Cancel (/DOR/BusinessNameSearch/)****Show** ▼**entries**

Business Name	Entity Id	Type
PROGRESSIVE SPINE & ORTHOPAEDICS, LLC	0600380329	LLC (Domestic Limited Liability Company)

Showing 1 to 1 of 1 entries

« Previous    Next »

### Division of Revenue & Enterprise Services

PO (Post Office) Box 450

Trenton, NJ (New Jersey) 08646-0303

### Support

Division of Revenue & Enterprise Services Web Site (<http://www.state.nj.us/treasury/revenue/>)

Search Help (/DOR/BusinessNameSearch/Home/Help)

Contact Us (<https://www.njportal.com/ErrorPages/Contact.aspx>)

### Policies & Procedures

Privacy Policy (<https://www.njportal.com/ErrorPages/Privacy.aspx>)Accessibility Policy (<https://www.njportal.com/ErrorPages/Accessibility.aspx>)Security Policy (<https://www.njportal.com/ErrorPages/Security.aspx>)Legal Statements & Disclaimers (<https://www.njportal.com/ErrorPages/Disclaimer.aspx>)



# EXHIBIT 3

Alert to corporations regarding unsolicited mailings from VIRGINIA COUNCIL FOR CORPORATIONS is available from the Bulletin Archive link of the Clerk's Office website.

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[SCC eFile](#) > [Entity Search](#) > Entity Details

[Login](#) | [Create an Account](#)



## SCC eFile Business Entity Details

[Help](#)

### AMF Bowling Centers, Inc.

#### SCC eFile

[SCC eFile Home Page](#)  
[Check Name](#)  
[Distinguishability](#)  
[Business Entity Search](#)  
[Certificate Verification](#)  
[FAQs](#)  
[Contact Us](#)  
[Give Us Feedback](#)

#### Business Entities

#### UCC or Tax Liens

#### Court Services

#### Additional Services

#### General

SCC ID: 02369973  
Entity Type: Corporation  
Jurisdiction of Formation: VA  
Date of Formation/Registration: 12/27/1982  
Status: Active  
Shares Authorized: 15000

#### Select an action

[File a registered agent change](#)  
[File a registered office address change](#)  
[Resign as registered agent](#)  
[File an annual report](#)  
[Pay annual registration fee](#)  
[Order a certificate of good standing](#)  
[Submit a PDF for processing \(What can I submit?\)](#)  
[View eFile transaction history](#)  
[Manage email notifications](#)

[New Search](#)

[Home](#)

#### Principal Office

7313 BELL CREEK ROAD  
MECHANICSVILLE VA23111

#### Registered Agent/Registered Office

CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

Screen ID: e1000

Need additional information? Contact [sccinfo@scc.virginia.gov](mailto:sccinfo@scc.virginia.gov) Website questions? Contact: [webmaster@scc.virginia.gov](mailto:webmaster@scc.virginia.gov)

We provide external links throughout our site.

PDF(.pdf) Reader Excel (.xls) Viewer PowerPoint (.ppt) Viewer Word (.doc) Viewer  
Build #: 1.0.0.23229

# EXHIBIT 4

Department of State: Division of Corporations

[Allowable Characters](#)

- HOME
- About Agency  
Secretary's Letter  
Newsroom  
Frequent Questions  
Related Links  
Contact Us  
Office Location
- SERVICES
- Pay Taxes  
File UCC's  
Delaware Laws Online  
Name Reservation  
Entity Search  
Status  
Validate Certificate  
Customer Service Survey
- INFORMATION
- Corporate Forms  
Corporate Fees  
UCC Forms and Fees  
Taxes  
Expedited Services  
Service of Process  
Registered Agents  
GetCorporate Status  
Submitting a Request  
How to Form a New Business Entity  
Certifications, Apostilles & Authentication of Documents

[View Search Results](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:

2571000

Incorporation Date /  
Formation Date:

12/27/1995  
(mm/dd/yyyy)

Entity Name:

AMF BOWLING WORLDWIDE, INC.

Entity Kind:

Corporation

Entity Type:

General

Residency:

Domestic

State:

DELAWARE

REGISTERED AGENT INFORMATION

Name:

THE CORPORATION TRUST COMPANY

Address:

CORPORATION TRUST CENTER 1209 ORANGE ST

City:

WILMINGTON

County:

New Castle

State:

DE

Postal Code:

19801

Phone:

302-658-7581

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

For help on a particular field click on the Field Tag to take you to the help area.

site map | privacy | about this site | contact us | translate | delaware.gov

# EXHIBIT 5



P.O. BOX 981106  
EL PASO TX 79998-1106  
USA

## Explanation Of Benefits

Please Retain for Future Reference

Printed: 05/09/2016  
Page: 1 of 2

JOSHUA S ROVNER MD  
PIN: 0009515083  
TIN: XXXXXXXX1855  
NO PAY

JOSHUA S ROVNER MD  
440 CURRY AVE STE A  
ENGLEWOOD NJ 07631-1794

### Notes:

Update your address, telephone number, e-mail address and/or NPI information by visiting our website.

### Patient Name:

Claim ID: [REDACTED] Recd: [REDACTED] Member ID: [REDACTED] Patient Account: [REDACTED]

Member: [REDACTED]

Group Name: AMF BOWLING CENTERS, INC.

Product: Aetna Choice® POS II

Aetna Life Insurance Company

SERVICE DATES	PL	SERVICE CODE	NUM. SVCS	SUBMITTED CHARGES	ALLOWABLE AMOUNT	COPAY AMOUNT	NOT PAYABLE	SEE REMARKS	DEDUCTIBLE	CO INSURANCE	PATIENT RESP	PAYABLE AMOUNT
[REDACTED]	23	6303050		45,536.00			45,536.00	1				0.00
[REDACTED]	23	6303050		45,536.00			45,536.00	1				0.00
		AS										
		AS										
<b>TOTALS</b>				<b>91,072.00</b>			<b>91,072.00</b>					<b>0.00</b>

ISSUED AMT:

NO PAY

### Remarks:

1 - Charges for, or in connection with services or supplies that are considered to be experimental or investigational are excluded from coverage under the member's plan. To obtain more information regarding coverage of this service, go to our website and enter the procedure code in the search field or go to NaviNet, select our plan, then "Claims", and "Code Editing, Clinical & Payment Policy Lookup". [775]  
Your claim has been separated to expedite handling. You will receive a separate notice for the other services reported. (E73)

### For Questions Regarding This Claim

P.O. BOX 981106 EL PASO, TX 79998-1106

**CALL (888) 632-3862 FOR ASSISTANCE**

Note: All inquiries should reference the ID number above for prompt response.

Total Patient Responsibility:

\$0.00

Claim Payment:

\$0.00

### Patient Name:

[REDACTED] (spouse)

Claim ID: [REDACTED] Recd: [REDACTED] Member ID: [REDACTED] Patient Account: [REDACTED]

Member: [REDACTED]

Group Name: AMF BOWLING CENTERS, INC.

Product: Aetna Choice® POS II

Aetna Life Insurance Company

SERVICE DATES	PL	SERVICE CODE	NUM. SVCS	SUBMITTED CHARGES	ALLOWABLE AMOUNT	COPAY AMOUNT	NOT PAYABLE	SEE REMARKS	DEDUCTIBLE	CO INSURANCE	PATIENT RESP	PAYABLE AMOUNT
[REDACTED]	22	22840AS		26,491.00			26,491.00	1			26,491.00	0.00
<b>TOTALS</b>				<b>26,491.00</b>			<b>26,491.00</b>				<b>26,491.00</b>	<b>0.00</b>

ISSUED AMT:

NO PAY

### Remarks:

1 - A claim has not been received from the primary surgeon. Assistant surgery claim is not eligible unless a claim with the same procedure is received from the primary surgeon. This claim will be reconsidered upon receipt of the surgeon's claim. [X37]

Continued on Next Page



P.O. BOX 981106  
EL PASO TX 79998-1106  
USA

## Explanation Of Benefits

Please Retain for Future Reference

Printed: 05/09/2016  
Page: 2 of 2

JOSHUA S ROVNER MD  
PIN: 0009515083  
TIN: XXXXXXXX1855  
NO PAY

**Mailing Address:**

JOSHUA S ROVNER MD  
440 CURRY AVE STE A  
ENGLEWOOD NJ 07631-1794

**Patient Name:** [REDACTED] (spouse)

**Remarks (contd):**

Your claim has been separated to expedite handling. You will receive a separate notice for the other services reported. (E73)

**For Questions Regarding This Claim**

P.O. BOX 981106 EL PASO, TX 79998-1106

**CALL (888) 632-3862 FOR ASSISTANCE**

Note: All inquiries should reference the ID number above for prompt response.

Total Patient Responsibility:	\$26,491.00
Claim Payment:	\$0.00

Protecting the privacy of member health information is a top priority. When contacting us about this statement or for help with other questions, please be prepared to provide your provider number, tax identification number (TIN), or Social Security number (SSN), in addition to the member's ID number.

# EXHIBIT 6



**ELLIOTT GREENLEAF, P.C.**  
BY: GREGORY S. VOSHELL  
Union Meeting Corporate Center  
925 Harvest Drive, Suite 300  
P.O. Box 3010  
Blue Bell, PA 19422  
(215) 977-1000  
(215) 977-1099 (Fax)  
gsv@elliottgreenleaf.com  
**Attorneys for Defendant**

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PROGRESSIVE SPINE &	:	SUPERIOR COURT OF NEW JERSEY
ORHTOPAEDICS, LLC,	:	LAW DIVISION: BERGEN COUNTY
Plaintiff,	:	DOCKET NO. L-6593-17
	:	
	:	
	:	
v.	:	CIVIL ACTION
	:	
AMF BOWLING CENTERS INC. D/B/A	:	
AMF BOWLING CENTERS AND AMF	:	
BOWLING WORLDWIDE, INC. D/B/A	:	
AMF BOLWING CENTERS	:	
Defendant.	:	

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**PRAECIPE OF FILING NOTICE OF REMOVAL**

AND NOW COME Defendants AMF Bowling Centers, Inc. and AMF Bowling Worldwide, Inc., by and through their undersigned counsel, to hereby advise this Court that the matter has been removed to the United States District Court for District of New Jersey ("District Court"), in accordance with 28 U.S.C. §§ 1441 and 1446. A copy of the Notice of Removal filed with the District Court is attached hereto as Exhibit "A." Defendants filing of this and the attached Notice of Removal with the Superior Court of New Jersey, Law Division, Bergen County, shall effect removal, and this Court may proceed no further unless and until this case is remanded.

Respectfully submitted,

/s/ Gregory S. Voshell

Gregory S. Voshell

ELLIOTT GREENLEAF, P.C.

925 Harvest Drive, Suite 300

Blue Bell, PA 19422

DATE: October 30, 2017

*Counsel for Defendants*